

Response and Argument

Claims 1-10 are pending in the application. Claims 1-10 stand rejected. Applicants are amending claims 1, 4, 5, 9, and 10, and adding new claim 11. Support for the use of the term “powder particle” in claims 1, 4, 5, 9, and 10 can be found at page 5, lines 9-11, of the patent application. Support for the term “powder particle inner region” and “powder particle outer region” is found at page 12, line 18 to page 15, line 19. The first aqueous particle dispersion, containing impact modifier particles and, optionally, first processing aid particles is first coagulated to form a coagulate slurry. A second aqueous particle dispersion is subsequently added to the coagulated slurry, and the second processing aid particles “subsequently coagulate **onto** the coagulated slurry particles” (page 14, lines 24-31; emphasis added). Although the terms “inner region” and “outer region” are not explicitly stated, it is an inherent property of the powder particle of the present invention that, if slurry particles containing impact modifier particles and, optionally, first processing aid particles are first formed, and subsequently second processing aid particles “coagulate onto the coagulate slurry particles”, then a “powder particle inner region” and a “powder particle outer regions” will have been formed. Further, the powder particle inner region clearly includes impact modifier particles and first processing aid particles because they were first coagulated. By the same reasoning, it is inherent in the process of making the powder particles of the present invention that a “powder particle outer region” will include second processing aid particles which have coagulated onto the slurry particles causing those slurry particles to become the powder particle inner region. The use of these terms in the claims is merely the use of words of similar import to describe what is already stated functionally in the specification and exemplified in the experimental section (page 24, Examples 1 and 2). Support for new claim 11 is found a page 15, line 20 to page 16, line 6 of the specification.

Applicants request the Examiner to consider amended claims in light of accompanying arguments, and to pass claims 1-11 on to allowance.

Applicants further invite the Examiner to review the illustrations in the Appendix.

Rejection of Claim 1-10 under 35 U.S.C. § 102(e) over US 6,730,734

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hamilton, *et al.*, U.S. Patent No. 6,730,734 (hereinafter "Hamilton"). Applicants assert that, in view of the amendments to the claims, the Examiner's rejection is rendered moot. Hamilton is directed to an impact modifier composition comprising a polymeric impact modifier and a mineral oil. Hamilton does not disclose the powder particles of the present invention. Furthermore, none of the experiment procedures of any of the examples would produce the powder particles of the present invention.

**Conclusion**

Applicants respectfully request the Examiner to:

- a) enter amendments to claims 1, 4, 5, 9, and 10;
- b) enter new claim 11; and
- c) pass claims 1-11 on to allowance.

Fee Deficiency

If an extension of time is deemed required for consideration of this Amendment, please consider this Amendment to comprise a Petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for such extension to Deposit Account No. 18-1850.

and/or

If any additional fee is deemed required for consideration of this Amendment, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 18-1850.

Respectfully submitted.

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